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At the GENERAL ASSEMBLY
Of the GOVERNOR and COM-
PANY of the *English* Colony of
RHODE-ISLAND, and PROVIDENCE
Plantations, in *New-England*, in
America; begun and holden by Ad-
journment, at *East-Greenwich*, with-
in and for the Colony aforesaid, on
the last Monday in *February*, in the
Year of our LORD one Thousand
Seven Hundred and Sixty-four, and
Fourth of the Reign of His Most
Sacred Majesty GEORGE the Third,
by the Grace of GOD, KING of
Great-Britain, and so forth.



AN ACT for the Establishment of a COL-
LEGE, or UNIVERSITY, within
this Colony. (*Brown University*)

WHEREAS institutions for liberal educa-
tion are highly beneficial to society, by form-
ing the rising generation to virtue, knowledge,
and useful literature; and thus preserving in
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the community a succession of men duly qualified for discharging the offices of life with usefulness and reputation; they have therefore justly merited and received the attention and encouragement of every wise and well regulated state: And whereas as a public school, or seminary, erected for that purpose within this colony, to which the youth may freely resort for education in the vernacular and learned languages, and in the liberal arts and sciences, would be for the general advantage and honor of the government: And whereas Daniel Jenckes, Esq; Nicholas Tillinghast, Esq; Nicholas Gardiner, Esq; Col. Josias Lyndon, Col. Elisha Reynolds, Peleg Thurston, Esq; Simon Pease, Esq; John Tillinghast, Esq; George Hazard, Esq; Col. Job Bennet, Nicholas Easton, Esq; Arthur Fenner, Esq; Mr. Ezekiel Gardner, Mr. John Waterman, Mr. James Barker, jun. Mr. John Holmes, Solomon Drown, Esq; Mr. Samuel Winsor, Mr. Joseph Sheldon, Charles Rhodes, Esq; Mr. Nicholas Brown, Col. Barzillai Richmond, Mr. John Brown, Mr. Gideon Hoxsey, Mr. Thomas Eyres, Mr. Thomas Potter, jun. Mr. Peleg Barker, Mr. Edward Thurston, Mr. William Redwood, Joseph Clarke, Esq; Mr. John G. Wanton, and Mr. Thomas Robinson, with many other persons, appear as undertakers in the valuable design: And thereupon a petition hath been preferred to this assembly, praying that full liberty and power may be granted unto such of them, with others, as are hereafter mentioned, to found, endow, order, and govern a COLLEGE, or UNIVERSITY, within this colony;
and

and that, for the more effectual execution of this design, they may be incorporated into one body politic, to be known in the law, with the powers, privileges, and franchises, necessary for the purpose aforesaid.

NOW THEREFORE KNOW YE, That, being willing to encourage and patronize such an honorable and useful institution, we the said governor and company, in general assembly convened, *Do*, for ourselves and our successors, in and by virtue of the power and authority, within the jurisdiction of this colony, to us by the Royal Charter granted and committed, *Enact, grant, constitute, ordain and declare, And it is hereby enacted, granted, constituted, ordained, and declared,* That the Hon. Stephen Hopkins, Esq; the Hon. Joseph Wanton, jun. Esq; the Hon. Samuel Ward, Esq; the Hon. William Ellery, Esq; John Tillinghast, Esq; Simon Pease, Esq; James Honyman, Esq; Nicholas Easton, Esq; Nicholas Tillinghast, Esq; Darius Sessions, Esq; Joseph Harris, Esq; Francis Willet, Esq; William Logan, Esq; Daniel Jenckes, Esq; George Hazard, Esq; Nicholas Brown, Esq; Jeremiah Niles, Esq; Joshua Babcock, Esq; Mr. John G. Wanton, the Rev. Edward Upham, the Rev. Jeremiah Condy, the Rev. Marmaduke Brown, the Rev. Gardner Thurston, the Rev. Ezra Stiles, the Rev. John Greaves, the Rev. John Maxson, the Rev. Samuel Winsor, the Rev. John Gano, the Rev. Morgan Edwards, the Rev. Isaac Eaton, the Rev. Samuel Stillman, the Rev. Samuel Jones,

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the Rev. *James Manning*, the Rev. *Russel Mason*, Col. *Elisha Reynolds*, Col. *Josias Lyndon*, Col. *Job Bennet*, Mr. *Ephraim Bowen*, *Joshua Clarke*, Esq; Capt. *Jonathan Slade*, *John Taylor*, Esq; Mr. *Robert Strettell Jones*, *Azariah Dunham*, Esq; Mr. *Edward Thurston*, jun. Mr. *Thomas Eyres*, Mr. *Thomas Hazzard*, and Mr. *Peleg Barker*, or such, or so many of them as shall, within twelve months from the date hereof, accept of this trust, and qualify themselves as herein after directed, and their successors, shall be for ever hereafter one body corporate and politic, in fact and name, to be known in law by the name of, *Trustees and Fellows of the COLLEGE, or UNIVERSITY, in the English Colony of Rhode-Island, and Providence Plantations, in New-England, in America*; the Trustees and Fellows, at any time hereafter, giving such more particular name to the college, in honor of the greatest and most distinguished benefactor, or otherwise, as they shall think proper: which name, so given, shall, in all acts, instruments, and doings of the said body politic, be superadded to their corporate name aforesaid, and become a part of their legal appellation, by which it shall be forever known and distinguished: And that, by the same name, they and their successors, chosen by themselves, as hereafter prescribed, shall, and may, have perpetual succession; and shall, and may, be persons able and capable, in the law, to sue and to be sued, to plead and to be impleaded, to answer and to be answered unto, to defend and to be defended against, in all and singular suits, causes,

causes, matters, actions, and doings, of what kind soever: And also to have, take, possess, purchase, acquire, or otherwise receive and hold lands, tenements, hereditaments, goods, chattles, or other estates; of all which they may, and shall, stand and be seized, notwithstanding any misnomer of the college, or corporation thereof; and by whatever name, or however imperfectly the same shall be described in gift, bequest, and assignment, provided the true intent of the assigner or benefactor be evident: Also the same to grant, demise, aliene, lease, use, manage, and improve, according to the tenor of the donations, and to the purposes, trusts, and uses to which they shall be seized thereof. And full liberty, power, and authority is hereby granted unto the said Trustees and Fellows, and their successors, to found a *College*, or *University*, within this colony, for promoting the liberal arts, and universal literature: And with the monies, estates, and revenues, of which they shall from time to time become legally seized as aforesaid, to endow the same: And erect the necessary buildings and edifices thereof on such place within this colony as they shall think convenient: And generally to regulate, order, and govern the same, appoint officers, and make laws, as herein after prescribed; and hold, use, and enjoy all the liberties, privileges, exemptions, dignities, and immunities, enjoyed by any college, or university, whatever.

AND *furthermore*, That the said Trustees and Fellows, and their successors, shall, and may,

for ever hereafter have a public seal, to use for all causes, matters, and affairs whatever, of them and their successors, and the same seal to alter, break, and make anew, from time to time, at their will and pleasure; which seal shall always be deposited with the President, or Senior Fellow.

AND furthermore, *By the authority aforesaid, It is hereby enacted, ordained and declared, That* it is now, and at all times hereafter shall continue to be, the unalterable constitution of this college, or university, that the corporation thereof shall consist of two branches, *to wit:* That of the trustees, and that of the fellowship, with distinct, separate, and respective powers: And that the number of the trustees shall, and may be thirty-six; of which twenty-two shall for ever be elected of the denomination called Baptists, or Antipædobaptists; five shall for ever be elected of the denomination called Friends, or Quakers; four shall for ever be elected of the denomination called Congregationalists, and five shall for ever be elected of the denomination called Episcopalians: And that the succession in this branch shall be for ever chosen and filled up from the respective denominations in this proportion, and according to these numbers; which are hereby fixed, and shall remain to perpetuity immutably the same. And that the said *Stephen Hopkins, Joseph Wanton, Samuel Ward, William Ellery, John Tillinghast, Simon Pease, James Honyman, Nicholas Easton, Nicholas Tillinghast, Darius Sessions,*

Sessions, Joseph Harris, Francis Willett, Daniel Jenckes, George Hazard, Nicholas Brown, Jeremiah Niles, John G. Wanton, Joshua Clarke, Gardner Thurston, John Greaves, John Maxson, John Gano, Samuel Winsor, Isaac Eaton, Samuel Stillman, Russel Mason, Elisha Reynolds, Josias Lyndon, Job Bennet, Ephraim Bowen, John Taylor, Jonathan Slade, Robert Strettell Jones, Azariah Dunham, Edward Thurston, jun. and Peleg Barker; or such, or so many of them as shall qualify themselves as aforesaid, shall be, and they are hereby declared and established the first and present trustees. And that the number of the Fellows, inclusive of the President (who shall always be a Fellow) shall and may be twelve; of which eight shall be for ever elected of the denomination called Baptists, or Antipædobaptists; and the rest indifferently of any or all denominations. And that the Rev. Edward Upham, the Rev. Jeremiah Condy, the Rev. Marmaduke Brown, the Rev. Morgan Edwards, the Rev. Ezra Stiles, the Rev. Samuel Jones, the Rev. James Manning, William Logan, Esq; Joshua Babcock, Esq; Mr. Thomas Evers, and Mr. Thomas Hazard, or such, or so many of them as shall qualify themselves as aforesaid, shall be, and they are hereby declared the first and present Fellows and Fellowship, to whom the President, when hereafter elected (who shall for ever be of the denomination called Baptists, or Antipædobapists) shall be joined to complete the number.

AND *furthermore, It is declared and ordained,* That the succession in both branches, shall at all times hereafter be filled up and supplied according to these numbers, and this established and invariable proportion from the respective denominations by the separate election of both branches of this corporation, which shall at all times sit and act by separate and distinct powers: And in general, in order to the validity and consummation of all acts, there shall be in the exercise of their respective, separate and distinct powers, the joint concurrence of the trustees and fellows, by their respective majorities, except in adjudging and conferring the academical degrees, which shall for ever belong, exclusively, to the fellowship as a learned faculty.

AND *furthermore, It is constituted,* That the instruction and immediate government of the college shall for ever be, and rest in the President and Fellows or Fellowship.

AND *furthermore, It is ordained,* That there shall be a general meeting of the corporation on the first *Wednesday* in *September* annually, within the college edifice, and until the same be built, at such place as they shall appoint, to consult, advise and transact the affairs of the College or University: At which, or at any other time, the public commencement may be held and celebrated. And that on any special emergencies, the President, with any two of the Fellows, or any three of the Fellows, exclusive of the President,

fidant, may convoke, and they are hereby empowered to convoke an assembly of the corporation on twenty days notice: And that in all meetings, the major vote of those present of the two branches respectively, shall be deemed their respective majorities aforesaid: *Provided*, That not less than twelve of the trustees, and five of the fellows, be a quorum of their respective branches. That the president, or, in his absence, the senior fellow present, shall always be moderator of the fellows: That the corporation, at their annual meetings, once in three years, or oftener in case of death or removal, shall, and may choose a chancellor of the university, and treasurer, from among the trustees, and a secretary from among the fellows: That the nomination of the chancellor shall be in the trustees, whose office shall be only to preside as a moderator of the trustees; and that in his absence, the trustees shall choose a moderator for the time being, by the name of vice-chancellor: And at any of their meetings, duly formed as aforesaid, shall, and may be elected a trustee or fellow, or trustees, or fellows, in the room of those nominated in this charter, who may refuse to accept, or in the room of those who may die, resign, or be removed,

AND furthermore, *It is enacted, ordained and declared*, That this corporation, at any of their meetings, regularly convened as aforesaid, shall and may elect and appoint the president and professors of languages, and the several parts of literature: And upon the demise of him or them

them, or either of them, their resignation or removal from his or their office, for misdemeanor, incapacity, or unfaithfulness, (for which he or they are hereby declared removeable by this corporation) others to elect and appoint in their room and stead: And at such meeting, upon the nomination of the fellows, to elect and appoint tutors, stewards, butlers, and all such other officers usually appointed in colleges or universities, as they shall find necessary, and think fit to appoint for the promoting liberal education, and the well ordering the affairs of this college; and them, or any of them, at their discretion to remove, and substitute others in their places. And in case any president, trustee or fellow, shall see cause to change his religious denomination, the corporation is hereby empowered to declare his or their place or places vacant, and may proceed to fill up it or them accordingly, as before directed, otherwise each trustee and fellow, not an officer of instruction, shall continue in his office during life, or until resignation. And further, in case either of the religious denominations should decline taking a part in this catholic, comprehensive and liberal institution, the trustees and fellows shall and may compleat their number, by electing from their respective denominations, always preserving their respective proportions herein before prescribed and determined: And all elections shall be by ballot, or written suffrage: And that a quorum of four trustees and three fellows may transact any business, excepting placing the college edifice, election of trustees, president, fellows and professors, *that is to say*, so
that

that their acts shall be of force and validity until the next annual meeting, and no longer.

AND it is further enacted and ordained by the authority aforesaid, That each trustee and fellow, as well those nominated in this charter, as all that shall hereafter be duly elected, shall, previous to their acting in a corporate capacity, take the engagement of allegiance prescribed by the law of this colony to his Majesty King George the third, his heirs and rightful successors to the crown of *Great-Britain*, which engagement shall be administered to the present trustees and fellows, by the governor or deputy-governor of this colony, and to those from time to time hereafter elected by their respective moderators, who are hereby empowered to administer the same.

AND still more clearly to define and ascertain the respective powers of the two branches, on making and enacting laws, *It is further ordained and declared*, That the fellowship shall have power, and are hereby empowered from time to time, and at all times hereafter, to make, enact and publish all such laws, statutes, regulations and ordinances, with penalties, as to them shall seem meet, for the successful instruction and government of the said college or university, not contrary to the spirit, extent, true meaning and intention of the acts of the *British* Parliament, or the laws of this colony; and the same laws, statutes and ordinances to repeal: Which laws, and the repeals thereof, shall

shall be laid before the trustees, and with their approbation shall be of force and validity, but not otherwise. And further, the trustees and fellows, at their meetings aforesaid, shall ascertain the salaries of the respective officers, and order the monies assessed on the students for tuition, fines, and incidental expences, to be collected by the steward, or such other officer as they shall appoint to collect the same; and the same, with their revenues, and other college estates in the hands of the treasurer, to appropriate in discharging salaries and other college debts: And the college accounts shall be annually audited and adjusted in the meeting of the corporation.

AND furthermore, It is hereby enacted and declared, That into this liberal and catholic institution, shall never be admitted any religious tests: But on the contrary, all the members hereof shall for ever enjoy full, free, absolute, and uninterrupted liberty of conscience: And that the places of professors, tutors, and all other officers, the president alone excepted, shall be free and open for all denominations of protestants: And that youth of all religious denominations shall and may be freely admitted to the equal advantages, emoluments, and honors of the college or university; and shall receive a like, fair, generous, and equal treatment during their residence therein, they conducting themselves peaceably, and conforming to the laws and statutes thereof. And that the public teaching shall, in general, respect the sciences;

sciences; and that the sectarian differences of opinions, shall not make any part of the public and classical instruction: Although all religious controversies may be studied freely, examined and explained by the president, professors, and tutors, in a personal, separate, and distinct manner, to the youth of any or each denomination: And above all, a constant regard be paid to, and effectual care taken of, the morals of the college.

AND *furthermore*, for the honor and encouragement of literature, *we constitute and declare*, the fellowship aforesaid, a *learned faculty*; and do hereby give, grant unto, and invest them, and their successors, with full power and authority, and they are hereby authorized and empowered by their president, and in his absence, by the senior fellow, or one of the fellows appointed by themselves at the anniversary commencement, or at any other times, and at all times hereafter, to admit to, and confer any and all the learned degrees, which can or ought to be given and conferred in any of the colleges or universities in *America*; or any such other degrees of literary honor as they shall devise, upon any and all such candidates and persons as the president and fellows, or fellowship, shall judge worthy of the academical honors: Which power of conferring degrees, is hereby restricted to the learned faculty, who shall or may issue diplomas, or certificates, of such degrees, or confer degrees by diplomas, and authenticate them with the public seal of the
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corporation, and the hands of the president and secretary, and of all the professors, as witnesses, and deliver them to the graduates as honorable and perpetual testimonies.

AND *furthermore*, for the greater encouragement of this seminary of learning, and that the same may be amply endowed and enfranchised with the same privileges, dignities, and immunities enjoyed by the *American* colleges, and *European* universities, *We do grant, enact, ordain, and declare, And it is hereby granted, enacted, ordained, and declared*, That the college estate, the estates, persons, and families of the president and professors, for the time being, lying and being within the colony, with the persons of the tutors and students, during their residence at the college, shall be freed and exempted from all taxes, serving on juries, and menial services: And that the persons aforesaid shall be exempted from bearing arms, impresses and military services, except in case of an invasion.

AND *furthermore*, for establishing the perpetuity of this corporation, and in case that at any time hereafter, through oversight, or otherwise through misapprehensions and mistaken constructions of the powers, liberties, and franchises herein contained, any laws should be enacted, or any matters done and transacted by this corporation contrary to the tenor of this charter, *It is hereby enacted, ordained, and declared*, That all such laws, acts, and

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and doings, shall be in themselves null and void: *Yet, nevertheless*, the same shall not, in any courts of law, or by the general assembly, be deemed, taken, interpreted, or adjudged into an avoidance, defeazance, or forfeiture of this charter: but that the same shall be, and remain unhurt, inviolate, and entire unto the said corporation, in perpetual succession: which corporation may, at all times, and for ever hereafter, proceed, and continue to act: and all their acts, conformable to the powers, tenor, true intent and meaning of the charter, shall be, and remain in full force and validity; the nullity and avoidance of any such illegal acts to the contrary in any wise notwithstanding.

AND *lastly*, We the governor and company aforesaid, *Do*, for ourselves and our successors, *for ever hereby enact, grant, and confirm* unto the said trustees and fellows, and to their successors, That this charter of incorporation, and every part thereof, shall be good and available in all things in the law, according to our true intent and meaning: and shall be construed, reputed, and adjudged in all cases most favorably on the behalf and for the best benefit and behoof of the said trustees and fellows, and their successors, so as most effectually to answer the valuable ends of this useful institution.

IN *full testimony* of which grant, and of all the articles and matters therein contained,
the

the said governor and company *do hereby*
order, That this act shall be signed by the
governor and secretary, and sealed with
the public seal of this colony, and re-
gistered in the colony's records: And that
the same, or an exemplification thereof,
shall be a sufficient warrant to the said
corporation to hold, use and exercise all
the powers, franchises, and immunities
herein contained.

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N E W P O R T:

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